REMARKS

Applicant thanks the Examiner for a thorough search and examination, but respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 7 is requested to be cancelled.

Claims 1, 10, 18, and 31 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 and 8-31 are now pending in this application.

In the outstanding Office Action of November 15, 2007, the Examiner rejected claims 1-6, 9-20, 22, 23, and 26-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,657,658 (Takemura). Claims 7, 8, 21, 24, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemura. Applicant traverses the rejections for the reasons set forth below.

With regard to independent claims 1, 10, 18, and 31 of the present application, the Examiner asserted that Takemura teaches all of the required limitations recited therein. In response to the Examiner's assertions, Applicant has amended independent claims 1, 10, 18, and 31 to more particularly describe that the image or audio data is stored in a "lossy format" along with "most recent" information regarding adjustments/indicative of modifications made.[1] The "lossy format" aspect was previously recited in, e.g., now-cancelled claim 7 of

---

[1] In addition to the amendments to claim 1 described above, claim 1 has also been amended for clarification and consistency purposes. That is, claim 1 has been amended to recite that the data unit comprises said image or audio "data"... Applicant does not intend to narrow the scope of the claims in any way as a result of addressing this issue.

the present application, while the "most recent" aspect has already been presented in, e.g., claim 23 of the present application.

As described at length in Applicant's previously filed response of July 12, 2007, this arrangement is used to address a problem that arises with many conventional systems that will automatically save a representation in edited form. This problem was identified by Applicant at Page 3, lines 16-31 of the present application, for example:

> An unwanted side effect of the editing processes is that the quality of the image may be reduced. For example, if an image is edited and stored successive times the quality of image may be reduced in each editing cycle comprising decompression 20 compression and storing. This is caused by the possibility of loosing [sic] information during the image compression stages, especially if a lossy compression algorithm is used.
>
> Thus the visual quality of the image may be reduced every time the image is fetched from, decompressed, compressed and stored again in the image data file. Since the decompression-compression cycle typically happens every time the image data is processed, the visual quality of the image may get progressively worse each time an image is subjected to modifications. The image may start gradually look worse and/or it starts include artifacts. (*See also* page 10, lines 23-29)

This process is also elaborated upon, for example, at Page 10, line 30-Page 11, line 8 of the present application:

> In the preferred embodiment of the present invention the image data saved in the image data field 21 remains substantially the same after each editing cycle. Instead of amending the image data stored on field 21 when editing the image, the original image data is processed based on the information in the comment field 22 before displaying the image. The processing is accomplished based on the comment field 22 so that the image to be displayed to the viewer corresponds the latest changes while the changes are done to the original, unchanged image data stored in the image data field 21.

By preparing the representation for viewing in this manner, the problem of errors propagating through successive edit and save functions/decompressing-compressing-storing is substantially reduced and/or eliminated completely for, e.g., data stored in a lossy format.

Furthermore, the process provides for "progressive" editing in that the latest changes are saved and processed, negating the need to start editing from scratch.

In contrast, Takemura is directed to a stand-alone image reproduction system and method, where images can be stored with certain "finish" information in a separate storage system. (*See, e.g.,* Abstract, Column 8, lines 30-67 of Takemura). Takemura describes that the image reproduction system and method is utilized to "preview" an image before a final print or display of the image is made so that confirmation of the final print or display can be effectuated. (*See, e.g.,* Abstract, Column 2, lines 13-26, and Column 7, lines 57-59).

Additionally, nowhere in Takemura is it described or even suggested that the most recent information indicative of modifications/adjustments is stored with the image data. Hence, Applicant respectfully disagrees with the Examiner's assertion that Column 10, lines 21-36 support his position that such a feature is inherent in Takemura. Column 10, lines 21-36 merely describe that multiple image files that are accumulated in an image server 32 can be sequentially reproduced. At best then, Takemura contemplates reproducing a first image in accordance with a first image file, reproducing a second image in accordance with a second image file and so on. In no way does this suggest that, e.g., the same image is adjusted/modified, where the most recent information indicative of adjustments/modifications is stored. To wit, Takemura fails to teach or suggest any sort of data storage and re-storage of "finish" information during and/or after the initial preview image is shown for confirmation and the finish information is finally set. Therefore, Applicant submits that Takemura fails to teach at least the use and/or storage of most recent information indicative of adjustments/modifications made to, e.g., an image or audio representation.

Moreover, and in contrast to the Examiner's assertions at Page 9, section 5 of the outstanding Office Action regarding the claimed lossy format aspect (originally recited in now-cancelled claim 7). Applicant submits that it would not be obvious to store image data in a lossy format as required in amended independent claims 1, 10, 18, and 31 of the present application. In particular, Applicant submits that Takemura teaches away from storing image data in a lossy format, such as, e.g., JPEG/JPEG2000. For example, Takemura at, e.g., Column 8, lines 47-49, describes that the finish information may be attached to image data

"by <u>defining</u> a file format including both the image data and the finish information..." (emphasis added). Additionally, Takemura further describes at, e.g., Column 8, lines 50-52, that the finish information "may be stored as a file <u>separately</u> from the image data..." (emphasis added). Further still, and as described above, Takemura appears to be unconcerned by problems associated with, e.g., repeated de-compressing- compressing-storage (such as is experienced when conventionally adjusting, e.g., images stored in a lossy format) because Takemura fails to teach any type of re-storage of the most recent information indicative of adjustments/modifications.

In contrast to Takemura, independent claims 1, 10, 18, and 31 of the present application require storing, e.g., image data, in a lossy format together with the most recent information indicative of adjustments/modifications. In accordance with these claimed limitations, Page 9, lines 8-14, Page 10, lines 1-7, and Page 12, lines 5-20 describe that image data may be stored in a lossy format so as to comply with existing formats, e.g., JPEG, thus enabling utilization of existing comment fields specified by the JPEG format. Therefore, Applicant submits that Takemura fails to teach or suggest the lossy format aspect of independent claims 1, 10, 18, and 31 of the present application.

Because Takemura, does not teach or make obvious all of the required limitations of independent claims 1, 10, 18, and 31 of the present application, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-6, 8, 9, 11-17, and 19-30 are each directly or indirectly dependent upon independent claims 1, 10, 18, and 31, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: <u>May 14, 2008</u>   By ___ /G. Peter Albert, Jr./ _____

FOLEY & LARDNER LLP   G. Peter Albert Jr.
Customer Number: 30542   Attorney for Applicant
Telephone: (858) 847-6735   Registration No. 37,268
Facsimile: (858) 792-6773